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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 26 TH DAY OF May 1998

BEFORE

THE HON'BLE MR.JUSTICE H.RANGAVITTALACHAR

HRRP NO.1166 of 1993

Between:-

Sri.Mohammed Shaffi
age: 50 yrs.,
s/o.late Alhaj Sabjan,
r/o.No.2, 4th Cro0ss,K.K.Lane,
O..T.C.Road,
Bangalore - 560053. .. Petitioner

(bY Sri K.Shivaji Rao - Adv.)

And :.

Sri.Somaswara Swamy Veerashiva
Seva Sanga, (Regd.),
represented by its Secretary,
sri.P.S.Shankarappa, No.16,
Cotton pet Main Road,
Cottonpet,
Bangalore - 560053. .. Respondents.

(by Sri.G.V.Dayananda - Adv.)

This HRRP is filed under Sec.50(1) of KRC Act,
against the order dtd.9.7.93passed in HRC
No.2875.88 on the file of the Court of the 5th
Addl.Judge of Small Causes, Bangalore City allowing
the petition filed under Sec.21(1)(j) of KRC ACT.

This HRRP coming on for hearing this day, the Court
made the following order.

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O R D E R..

ORDER

Respondents herein filed an eviction petition under Sec.21(1)(j) of the Karnataka Rent Control Act (For short THE ACT) seeking eviction of the petitioner in respect of the schedule premises which is a shop premises bearing No.423,424,425, Cottonpet, Bangalore on the ground that the premises is in a dilapidated condition and the Sangha intends to demolish and reconstruct which cannot be done unless the tenant/petitioner is evicted.

2. This petition was resisted by the petitioner by filing a detailed objection statement. Learned Judge of the Small Causes held an enquiry and on the basis of the evidence adduced, allowed the eviction petition. This order is under challenge in this petition.

3. Learned Judge by relying on the photographs produced by the respondents Exs.P2,3,4,5 & 6 has held that the petition premises is in a dilapidated condition, and relying on the estimate produced by the

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respondents and also the Bank deposits vide Exs.P.15(a),16(a), 17(a) & 18(a) has held that the respondent has the necessary financial ability to undertake construction. Learned Judge by relying on the sanctioned plan - Ex.P.14 has held that the petitioner has shown the bonafides of taking up the work of demolition and reconstruction. Learned Judge therefore has held that respondent has proved that he requires the premises for purpose of demolition and reconstruction under Sec.21(1)(j) and consequently ordered eviction. While ordering eviction, he has directed the respondents to ^{have} ~~consider~~ the work of demolition within 2 months from the date of taking possession of the property.

4. The findings of the learned Judge is based on evidence as stated above. It cannot be said that the same is perverse or is against the evidence. In this case, as rightly observed by the learned Judge, the landlord has shown his bonafides by having an estimate prepared showing cost of construction and his financial ability by producing the bank certificates and the sanctioned plan to

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show his sincerity. Ther order of the learned Judge of the Small CAuses does not call for interference.

5. For the reasons stated above, the revision petition fails and is dismissed. The tenant/petitioner however is granted 6 months time from today to quit and deliver vacant possession to the landlord.

Petition ~~dismissed~~.

Sd/-
JUDGE

brn